

House Bill 492 (AS PASSED HOUSE AND SENATE)

By: Representatives Neal of the 1st, Scott of the 2nd, Hill of the 180th, Stephens of the 164th,
and Hudson of the 124th

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 5 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions regarding time-share projects and programs, so as to provide definitions; to provide that private residence clubs and private residence club developments are not time-share estates, time-share programs, time-share projects, or time-share uses; to provide for the application of certain restrictive covenants; to provide for exceptions to certain ordinances and regulations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 5 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions regarding time-share projects and programs, is amended by adding a new Code section to read as follows:

"44-3-162.1.

(a) As used in this Code section, the term:

(1) 'Private residence club' means an improvement located on real property, including, but not limited to, a single-family residence, the title to which is held by a maximum of eight individuals as tenants in common in fee simple or by a limited liability company containing not greater than eight members, and the use of such improvement or residence includes, without limitation, exclusive occupancy for certain time periods which are determined among the titleholders or limited liability company members by project instrument, including, but not limited to, a declaration of restrictive covenants, a contract, or otherwise. A private residence club may or may not be located in a private residence club development.

(2) 'Private residence club development' means a development of at least two private residence clubs in which the titleholders or members of the limited liability company, as respects to each private residence club, contractually agree by project instrument,

contract, or otherwise to permit occupancy for certain time periods to the titleholders or members of the limited liability company as exist with respect to any or all of the private residence clubs in the private residence club development.

(b) Neither a private residence club nor a private residence club development shall be considered a time-share estate, time-share program, time-share project, or time-share use under this article, and this article shall not be applicable to private residence clubs or private residence club developments; provided, however, that, notwithstanding the foregoing, if there exists a restrictive covenant on real estate that restricts or prohibits time-share estates, time-share programs, time-share projects, or time-share uses, such restrictive covenants shall equally restrict or prohibit a private residence club and a private residence club development unless such restrictive covenant expressly states that it does not apply to private residence clubs and private residence club developments. No zoning, subdivision, or building code or other real estate use ordinance or regulation shall prohibit a private residence club form of ownership or impose any requirement upon a private residence club which it does not impose upon a physically identical improvement or development under a different form of ownership. No subdivision law, ordinance, or regulation shall apply to any division of an improvement, including a single-family residence, into a private residence club or private residence club development."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.